

Message

From: Culleen, Lawrence E. [Lawrence.Culleen@arnoldporter.com]
Sent: 6/23/2020 5:52:24 PM
To: Lloyd, Tyler [Lloyd.Tyler@epa.gov]
Subject: do you have time for a quick call today?

Tyler --

I have a question with respect to the phrasing that appears in certain provisions of the prepublication edition of the LCPFAS SNUR final rule. Specifically, I am interested in the provision at 721.10536(c)(1) with respect to the articles exemption. The comments we submitted on behalf of our confidential client that were timely submitted to the Agency in 2015 on behalf of our client (and resubmitted to you in April of this year) reiterated that (among its on-going uses prior to 2015) the client has coated and continues to coat articles with a specific substance in the Table 1 (CAS Number 27905-45-9) and which appears to be exempted by 721.10536(b)(6) generally from the SNUR). Our comments and face to face dialogue with EPA has noted that this use has been an ongoing practice both abroad and in the US since prior to 2015. Notwithstanding this, it appears such coated articles would nevertheless be subject to the notification requirement if the substance remains present in a coating on an imported article after the effective date.

Can we discuss briefly today?

Hopefully, I am misreading the language; but I am concerned that the final rule might be misinterpreted if published without clarification.

I am around all afternoon.

Larry

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